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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 11 2004

Application of: Jay M. Short

Confirmation No.: 5334

Serial No.: 09/375,605

Filed: August 17, 1999

For: Production of Enzymes Having Desired Activities by Mutagenesis

Examiner: Nashaat T. Nashed

Group Art Unit: 1652

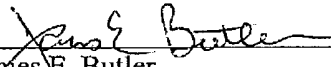
Atty Docket No: 1140-2

OFFICIAL

## FACSIMILE TRANSMISSION COVER SHEET

Certificate of Transmission Under 37 C.F.R. 1.8

I hereby certify that the following listed correspondence in the above referenced application is being transmitted by facsimile to the Commissioner for Patents, Washington DC to telephone number (703) 872-9306 on this 11th day of February, 2004.

  
James E. Butler  
Reg. No. 40,931

Document	No. of Pages
Request for Continued Examination (RCE) Transmittal (PTO/SB/30)	1
Fee Transmittal Form (PTO/SB/17) and copy	2
Response Under 37 CFR 1.111 with Request for Extension of Time	12
<b>Total Number of Pages Transmitted (including this page)</b>	<b>16</b>

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PTO/SB/30 (09-03)

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**Request  
for  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/375,605
Filing Date	August 17, 1999
First Named Inventor	Short
Art Unit	1652
Examiner Name	Nashed
Attorney Docket Number	1140-2

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)

b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 50-0661

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

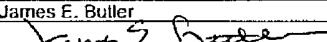
iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

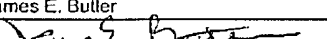
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	James E. Butler	Registration No. (Attorney/Agent)	40.931
Signature		Date	2/11/2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	James E. Butler	Date	2/11/2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 860.00)

## Complete if Known

Application Number 09/375,605

Filing Date August 17, 1999

First Named Inventor Short

Examiner Name Nashed

Art Unit 1652

Attorney Docket No. 1140-2

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number 50-0661

Deposit Account Name Diversa Corporation

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

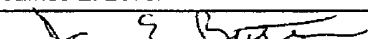
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	1052 50	2052 25	Surcharge - late filing fee or oath	
1053 130	1053 130	1812 2,520	1812 2,520	Surcharge - late provisional filing fee or cover sheet	
1804 920*	1804 920*	1805 1,840*	1805 1,840*	Non-English specification	
1805 1,840*	1805 1,840*	2251 55	2251 55	For filing a request for ex parte reexamination	
1251 110	2251 55	2253 475	2253 475	Requesting publication of SIR prior to Examiner action	
1252 420	2252 210	2254 740	2254 740	Requesting publication of SIR after Examiner action	
1253 950	2253 475	2255 1,005	2255 1,005	Extension for reply within first month	
1254 1,480	2254 740	2401 165	2401 165	Extension for reply within second month	475
1255 2,010	2255 1,005	2402 165	2402 165	Extension for reply within third month	
1401 330	2401 165	2403 145	2403 145	Extension for reply within fourth month	
1402 330	2402 165	1451 1,510	1451 1,510	Extension for reply within fifth month	
1403 290	2403 145	1452 110	2452 55	Notice of Appeal	
1451 1,510	1451 1,510	1453 1,330	2453 665	Filing a brief in support of an appeal	
1452 110	2452 55	1501 1,330	2501 665	Request for oral hearing	
1453 1,330	2453 665	1502 480	2502 240	Petition to institute a public use proceeding	
1501 1,330	2501 665	1503 640	2503 320	Petition to revive - unavoidable	
1502 480	2502 240	1460 130	1460 130	Petition to revive - unintentional	
1503 640	2503 320	1807 50	1807 50	Utility issue fee (or reissue)	
1460 130	1460 130	1806 180	1806 180	Design issue fee	
1807 50	1807 50	8021 40	8021 40	Plant issue fee	
1806 180	1806 180	1809 770	2809 385	Petitions to the Commissioner	
8021 40	8021 40	1810 770	2810 385	Processing fee under 37 CFR 1.17(q)	
1809 770	2809 385	1801 770	2801 385	Submission of Information Disclosure Stmt	
1810 770	2810 385	1802 900	1802 900	Recording each patent assignment per property (times number of properties)	
1801 770	2801 385			Filing a submission after final rejection (37 CFR 1.129(a))	
1802 900	1802 900			For each additional invention to be examined (37 CFR 1.129(b))	
				Request for Continued Examination (RCE)	385
				Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 860)

## SUBMITTED BY

Name (Print/Type)	James E. Butler	Registration No. (Attorney/Agent)	40931	Telephone (858) 526-5250
Signature		Date	02/11/2004	

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PTO/SB/17 (10-03)

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Examiner Name	Nashed
Art Unit	1652
Attorney Docket No.	1140-2

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Deposit Account Number

50-0661

Deposit Account Name

Diversa Corporation

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☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

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Multiple Dependent  =

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**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

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Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 860)

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	James E. Butler	Registration No. (Attorney/Agent)	40931	Telephone	(858) 526-5250
Signature		Date	02/11/2004		

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Docket No. 1140-2  
09/375,605

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Jay M. Short  
Serial No.: 09/375,605  
Filed: August 17, 1999  
For: Production of Enzymes Having Desired Activities by Mutagenesis  
Examiner: Nashaat T. Nashed

Group Art Unit: 1652  
Confirmation No. 5334

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FEB 11 2004

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**RESPONSE UNDER 37 C.F.R. 1.111**

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

Sir:

In response to the Office action dated August 12, 2003, Applicant respectfully submits the following amendments and remarks in connection with the above-identified application.

**Amendments to the Claims** are reflected in the listing of claims beginning on page 2 of this response.

**Remarks** begin on page 5 of this response.